



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL

Mr. Justin Starkey
VMP Tuning Inc.
3525 Robert Goddard Avenue
Deltona, FL 32738

Re: Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a)

The United States Environmental Protection Agency ("EPA") hereby requires VMP Tuning, Inc., and any of its affiliates ("VMP" or "you"),¹ to submit certain information as part of an EPA investigation to determine your compliance with Sections 203(a)(1) and 213(d) of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the applicable motor vehicle regulations at 40 C.F.R. Parts 85 and 86. Examples of vehicles or engines regulated under these Parts include, but are not limited to, automobiles, recreational vehicles, and pickup trucks. Appendix A provides definitions. Appendix B provides instructions for your responses to this Request for Information. Appendix C specifies the information that you must submit. Appendix D provides information about asserting a claim of confidentiality over information you submit in response to this request. Appendix E requires you to identify the person who is authorized to respond to this Information Request and certify that your response is truthful and complete.

The EPA issues this Request for Information under Section 208(a) of the CAA, 42 U.S.C. § 7542(a). Under Section 208(a), the Administrator of the EPA may require any person who is subject to the CAA, 42 U.S.C. §§ 7521-7590, to perform tests and provide information necessary to determine whether the person is acting or has acted in compliance with the CAA and the regulations promulgated thereunder. The Administrator has delegated this authority to the undersigned Chief of the Vehicle and Engine Enforcement Branch in the Air Enforcement Division, Office of Enforcement and Compliance Assurance.

Ordinarily, you would be required to submit the information within thirty (30) calendar days from the date of this Information Request, but due to the COVID-19 pandemic that may be impacting your business, we are providing an additional fifteen (15) calendar days for your submission of information regarding this Information Request. If you anticipate being unable to fully respond to this Information Request within **forty-five (45) calendar days**, you must contact Ms. Katharine Owens by telephone at (202) 564-2594 or by email at Owens.Katharine@epa.gov within 15 days of the date of this Information

¹ See definition 8, in Appendix A.

Request and, with an appropriate justification, request an extension of time to answer some or all of the requests below. If timely submitted, the EPA will review your request and may extend the time in which your response must be provided.

Failure to provide the required information may result in the initiation of a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b). Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries and penalties. It is important that your responses be clear, accurate, organized, and complete. We will regard any submitted information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA and/or criminal statutes.

Finally, you must submit all requested information under an authorized signature with the following certification (provided in Appendix E):

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

We may use any information submitted in response to this Request for Information in an administrative, civil or criminal action.

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this Request for Information, in accordance with the procedures described in the Confidentiality of Business Information (“CBI”) regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph and sentence when identifying the information subject to your CBI claim. Appendix D of this Request for Information specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

Please submit the requested information electronically. You may do so via email to Ms. Katharine Owens, Air Enforcement Division, U.S. Environmental Protection Agency, at Owens.Katharine@epa.gov. Alternatively, you may want to provide documents in response to this Information Request by way of a secure file sharing site. Please let us know how you want to proceed.

Questions concerning this Information Request should be directed to Katharine Owens, Environmental Engineer, of my staff at (202) 564-2594 (owens.katharine@epa.gov), or your counsel may contact Jocelyn Adair, Attorney-Advisor, of my staff at Adair.Jocelyn@epa.gov.

Meetu Kaul, Chief
Vehicle and Engine Enforcement Branch
Air Enforcement Division
Office of Civil Enforcement

Appendix A

Definitions

1. All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 et seq., or the motor vehicle regulations found at 40 C.F.R. Parts 85 and 86.
2. The term “affiliate” means any organization or entity associated with you as an agent, parent organization, predecessor corporation, subsidiary, or any organization, or entity acting in lieu of you.
3. The term “applications” means all vehicle or engine configurations.
4. The terms “document” and “documents” means any object that records, stores, or presents information, and includes, without limitation, email, writings, memoranda, contracts, agreements, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy shall also include attachments to or enclosures with any document.
5. The term “entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization or association.
6. The term “motor vehicle” means any self-propelled vehicle designed for transporting persons or property on a street or highway. (*see* Section 216 of the CAA, 42 U.S.C. § 7550(2)). For example, Ford F150, Mustang, Fusion, Crown, etc.
7. The term “person” includes an individual, corporation, partnership or association (*see* Section 302(e) of the CAA, 42 U.S.C. § 7602(e)).
8. The term “you” and “your” includes, but is not limited to, VMP Tuning, and any parent organization, affiliate, predecessor, successor, and assignee organization.

Appendix B

Instructions for Responses

1. Provide your response to this Information Request in electronic form. Provide any narrative responses or lists in English. All responsive documents and materials (e.g., copies of print media, audio, and visual material) must be provided as an accurate and legible copy in searchable unlocked format. Where spreadsheets are responsive to a request, produce them in unlocked electronic .xls spreadsheet format (locked files are unacceptable).
2. This Request for Information is a continuing request. You must promptly supplement your response to any request in Appendix C in the event you learn that you possess responsive information not yet produced or if you gain possession, custody, or control of responsive information after initially responding to this Request for Information.
3. For each answer, please provide the number of the request to which it responds and identify each person who provided information that was used to prepare that answer. For each document produced, please provide the number of the request to which it responds. Where information is responsive to more than one numbered request, provide that information only once, but indicate the numbers of all requests to which the information is responsive.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response is not in your possession, custody or control, indicate in your response why such documents or information is not available or in your possession, custody or control, and identify any source that either possesses or is likely to possess such information.
6. All submitted documents should be copies and not original documents.
7. Where you have previously submitted information to the EPA that is also the subject of these requests, re-submit that information in accordance with these instructions (Appendix B). Identify the material that was previously provided, the date on which it was provided, how the information was provided (e.g., electronically, fax, mail), and the individual at EPA to whom it was provided.
8. Where a specific entity is responsible for a response to a request in Appendix C clearly indicate in your response which entity is providing the response.
9. If corporate changes relevant to any of the requests in Appendix C happened during the period of time from January 2017 to the present, including but not limited to changes occurring related to the acquisition, reorganization, or merger of VMP, describe in a narrative these changes and provide documents and information responsive to the request for each person and for each period of time.

Appendix C

Request for Information

You must submit the following information to the EPA, pursuant to Section 208 of the CAA, 42 U.S.C. § 7542, regarding certain parts or components that you either manufactured (*i.e.*, created, produced, or modified), sold, installed, supplied, or introduced into commerce since January 1, 2017.

1. Provide the following information for each supercharger (SC) or supercharger kit (SC-kit) that you sold, installed, supplied or introduced into commerce in the United States from January 1, 2017, to the present time (*i.e.*, within 30 days of your response to this Information Request). Provide one electronic spreadsheet per year for Information Request Numbers 1(a) through 1(m).
 - a. The product's SKU/part number;
 - b. The product's description and (insert photograph, if possible);
 - c. The product's application (*i.e.*, vehicle's make, model, engine size, and model year);
 - d. The name and address of the product's manufacturer;
 - e. The name and address of the product's supplier;
 - f. The number VMP purchased;
 - g. The purchase price;
 - h. The name and address of the supplier's shipping company;
 - i. The number VMP sold, installed, supplied, or introduced into commerce;
 - j. The date sold, installed, supplied or introduced into commerce;
 - k. The sales price;
 - l. The name and address of VMP's shipping company; and
 - m. The end of year inventory and location of inventory.
2. For each of the above SCs or SC-kits, provide the following documents:
 - a. The name and address of the entity that purchased the SC or SC-kit from VMP;
 - b. The associated vehicle identification numbers for each SC or SC-kit;
 - c. The specifications and installation instructions;
 - d. A description and copy of all emissions tests conducted to ensure that each product did not increase the vehicle's emissions;
 - e. A description of how the product increased the vehicle's performance and a copy of each performance graph;
 - f. A full description of each test vehicle and its configuration before you altered the vehicle; and
 - g. A full description of each test vehicle and its configuration as altered and tested, including its (i) emission controls, (ii) engine size and type, (iii) operating fuel, (iv) horsepower, (v) spark plugs, (vi) pulleys, (vii) fuel injectors, (viii) air intake system, (ix) throttle body, and (x) VMP Tune.
3. Provide the following information for each engine, engine part, or exhaust system that differed from the original equipment manufacturers (OEM) stock part that you sold, installed, supplied or

introduced into commerce in the United States from January 1, 2017, to the present time. Provide one electronic spreadsheet per year for Information Request Numbers 3(a) through 3(m).

- a. The product's SKU/part number;
 - b. The product's description and photograph;
 - c. The product's application (*i.e.*, vehicle's make, model, engine size, and model year);
 - d. The name and address of the product's manufacturer;
 - e. The name and address of the product's supplier;
 - f. The number VMP purchased;
 - g. The purchase price;
 - h. The name and address of the supplier's shipping company;
 - i. The number VMP sold, installed, supplied, or introduced into commerce;
 - j. The date sold, installed, supplied, or introduced into commerce;
 - k. The sales price;
 - l. The name and address of VMP's shipping company; and
 - m. The end of year inventory and its location.
4. For each of the above engines, engine parts, or exhaust systems, provide the following documents:
 - a. The name and address of the entity that purchased the parts;
 - b. The associated vehicle identification number for each part;
 - c. The specifications and installation instructions;
 - d. A description of how the product increased the vehicle's performance and a copy of each performance graph;
 - e. A description and copy of all emissions tests conducted to determine the vehicle's emissions results that you conducted to ensure that each product did not increase the vehicle's emissions;
 - f. A full description of each test vehicle and its configuration before you altered the vehicle; and
 - g. A full description of each test vehicle and its configuration as altered and tested, including its (i) emission controls, (ii) engine size and type, (iii) operating fuel, (iv) horsepower, (v) spark plugs, (vi) pulleys, (vii) fuel injectors, (viii) air intake system, (ix) throttle body, and (x) VMP Tune.
5. Provide a narrative description of VMP's current operations, including the following information:
 - (a) VMP's business size, including its revenue and number of employees, including contract employees;
 - (b) The name, address, telephone number, and website of each VMP affiliate and a description of the business relationship;

- (c) A description of any corporate changes that occurred between January 1, 2017, to the present time, including but not limited to changes related to acquisitions, reorganizations, or mergers; and
- (d) VMP's and each affiliate's North American Industry Classification System code or codes.

Appendix D

Confidential Business Information

An entity may assert a business confidentiality claim covering all or part of the information provided in response to this Information Request for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, subpart B. Under Section 208(c) of the CAA, entities are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, subpart B. If no such business confidentiality claim accompanies the response to this Information Request when it is received by the EPA, then such information may be made available to the public without further notice. *See* 40 C.F.R. § 2.204(a)(3).

Pursuant to 40 C.F.R. § 2.301(h), the EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. To assist in its review and analysis, the EPA may disclose information provided in response to this and other information requests to an EPA contractor, the Eastern Research Group, under contract number EP-W-15-006.

To assert a business confidentiality claim, an entity must place on (or attach to) all information subject to the claim either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time it provides its response to this Information Request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be provided separately to facilitate identification and handling by the EPA. An entity should indicate whether confidential treatment is only required until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material claimed as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. *See* 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

Appendix E
Statement of Certification

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by VMP Tuning, Inc., and its parent organizations, affiliates, predecessors, successors, and assignees, to provide the above information on its behalf to the EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

CERTIFICATE OF MAILING

I, Katharine Owens, certify that on this day I sent this Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a), by electronic mail to:

Mr. Justin Starkey
VMP Tuning Inc.
3525 Robert Goddard Avenue
Deltona, FL 32738

at the email address: Justin.Starkey@vmppperformance.com.

The above email address has been provided by VMP, Inc., to the U.S. Environmental Protection Agency for submission of communications regarding regulatory issues under the Clean Air Act.

Date: _____

Katharine Owens
Environmental Engineer
Air Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-2594